

Message Text

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ACTION AF-04

INFO OCT-01 SS-14 ISO-00 NSC-05 NSCE-00 INR-05 CIAE-00

DODE-00 PM-03 SCS-01 SCA-01 SSO-00 INRE-00 DHA-02

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FM AMEMBASSY KINSHASA

TO SECSTATE WASHDC IMMEDIATE 3198

C O N F I D E N T I A L KINSHASA 3841

LIMDIS

PLEASE PASS AF/EX (KRYZA)

E.O. 11652: GDS

TAGS: CG, PGOV, SHUM

SUBJECT: DETENTION OF USAID LOCAL EMPLOYEE LUYEYE-LU-MAGANA

REF: KINSHASA 3079

1. SUMMARY: SINCE MARCH 24, AID SENIOR ZAIRIAN EMPLOYEE LUYEYE-LU-MAGANA HAS BEEN HELD WITHOUT CHARGE BY ZAIRE'S SECURITY SERVICE. THROUGH MID-LEVEL CONTACTS AND CONVERSATIONS BETWEEN THE AMBASSADOR AND FOREIGN MINISTER NGUZA, THE EMBASSY HAS INDICATED TO THE GOVERNMENT OF ZAIRE ITS CONTINUING CONCERN FOR LUYEYE'S WELFARE. TO DATE, THE GOZ HAS PROVIDED NO INFORMATION ABOUT LUYEYE'S ARREST. RATHER, IT HAS IMPLIED THAT THE CASE IS AN INTERNAL POLITICAL AFFAIR BEYOND THE SCOPE OF AMERICAN INTERESTS. EMBASSY WILL CONTINUE, HOWEVER, TO WORK IN BEHALF OF LUYEYE'S HUMAN RIGHTS. END SUMMARY.

2. ON THE MORNING OF MARCH 24, AGENTS OF ZAIRE'S SECURITY SERVICE, THE CND, ARRESTED LUYEYE-LU-MAGANA WITHOUT CHARGE AND WITHOUT EXPLANATION. SINCE THAT DATE, LUYEYE HAS BEEN DETAINED IN A CND PRISON IN KINSHASA. ACCORDING TO BRIEF NOTES WHICH HE HAS

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MANAGED TO SEND TO THE EMBASSY THROUGH HIS SON, LUYEYE HAS YET TO BE CHARGED OR INTERROGATED. HIS SON REPORTS THAT LUYEYE REMAINS IN GOOD HEALTH AND HAS SUFFERED NO PHYSICAL ABUSE. BOTH HIS RESIDENCE IN KINSHASA AND HIS HOUSE IN A RURAL VILLAGE IN BAS ZAIRE HAVE BEEN SEARCHED BY AGENTS OF THE CND. TO THE BEST OF OUR KNOWLEDGE, THESE SEARCHES HAVE REVEALED NOTHING OF AN INCRIMINATING NATURE.

3. UPON LEARNING OF LUYEYE'S ARREST FROM HIS SON, THE EMBASSY TOOK IMMEDIATE STEPS TO INDICATE TO THE GOZ AN INTEREST IN LUYEYE'S WELFARE AND TO ASK THE REASON FOR HIS INCARCERATION. ON MARCH 28, AN EMBASSY REPRESENTATIVE WAS INFORMED BY A MID-LEVEL CND AGENT THAT LUYEYE HAD BEEN DETAINED FOR POLITICAL REASONS BEYOND THE COMPETENCE OF THE AMERICAN EMBASSY. UPON INSTRUCTION FROM THE AMBASSADOR, TWO OTHER APPROACHES WERE MADE AT A HIGHER LEVEL IN CND, BY EMOFFS. IN BOTH INTERVIEWS, CND INFORMED THE AMERICAN OFFICERS THAT LUYEYE HAD BEEN ARRESTED FOR POLITICAL REASONS AND THAT HE WOULD PROBABLY BE DETAINED FOR A CONSIDERABLE LENGTH OF TIME. CND FURTHER STATED THAT THE GOZ REGARDED LUYEYE'S ARREST AS AN INTERNAL AFFAIR, NOT SUBJECT TO AMERICAN INTERFERENCE.

4. ON THREE SEPARATE OCCASIONS, THE AMBASSADOR HAS RAISED THE QUESTION OF LUYEYE'S ARREST WITH COMMISSIONER OF FOREIGN AFFAIRS NGUZA. ON APRIL 2, THE AMBASSADOR INFORMED NGUZA OF THE ARREST, INDICATED HIS INTEREST IN THE WELFARE OF THE IMPRISONED EMBASSY EMPLOYEE AND ASKED IF NGUZA COULD MAKE INQUIRIES WITH CND. ON APRIL 4, NGUZA STATED THAT HE HAD TALKED WITH CND AND THAT THE CND HAD INDICATED THERE WERE "PROBLEMS IN THE CASE" AND THAT CND WAS DEVELOPING A DOSSIER. THE AMBASSADOR REPLIED THAT WHILE THE AMERICAN EMBASSY DOES NOT PRETEND TO HAVE THE FACTS OF THE CASE, IT IS CONCERNED FOR THE WELL-BEING OF ITS EMPLOYEE WHO, IT WOULD APPEAR, IS BEING HELD WITHOUT CHARGE. THE AMBASSADOR NOTED THAT WITH PRESENT EMPHASIS ON HUMAN RIGHTS OBSERVANCE AND THE NEWS SPOTLIGHT ON ZAIRE, THE CASE COULD COME TO HAVE WIDER RAMIFICATIONS. IN A MORE RECENT DISCUSSION OF THE CASE ON APRIL 10, CONFIDENTIAL

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THE FOREIGN MINISTER STATED THAT THE CASE WAS CND'S AFFAIR AND THAT IT WOULD BE BEST IF THE AMBASSADOR WOULD ADDRESS CND ON THE MATTER. THE AMBASSADOR EXPLAINED THAT THE EMBASSY HAD CONTACTED CND WITHOUT SATISFACTORY RESULT. THEN THE AMBASSADOR REITERATED EMBASSY CONCERN FOR ITS EMPLOYEE, STILL DETAINED WITHOUT CHARGE.

5. EMBASSY CAN ONLY SPECULATE ON THE POSSIBLE REASONS FOR LUYEYE'S DETENTION. AS A FORMER PERSONAL SECRETARY TO PRESIDENT KASAVUBU AND AN ACTIVE MEMBER OF THE ABAKO PARTY IN THE EARLY SIXTIES, LUYEYE HAS HAD A HIGH POLITICAL PROFILE. HE IS WELL KNOWN THROUGHOUT BAS ZAIRE; AND THOUGH APPARENTLY NOT ACTIVE POLITICALLY IN RECENT YEARS, HE PROBABLY MAINTAINS INFORMAL LINKS TO OTHER WELL KNOWN POLITICAL FIGURES FROM BAS ZAIRE, INCLUDING NDELE AND KIKONGI.

6. LUYEYE'S LONG-STANDING COMMITMENT TO DEMOCRATIC PRINCIPLES AND HIS DISLIKE OF THE MOBUTU REGIME ARE NO SECRET. BUT IN RECENT YEARS, HE HAS AVOIDED ANY OVERT POLITICAL ACTIVITY. IN ALL LIKELIHOOD, HE WAS PICKED UP ALONG WITH OTHER BAKONGO FIGURES AS

A PRECAUTION AGAINST POSSIBLE SEDITION. AS WE HAVE REPORTED, THE MOBUTU REGIME APPEARS TO BE CRACKING DOWN; AND WITH THE STRAINS OF SHABA SHOWING, THE SECURITY SERVICE HAS DROPPED ANY PRETENSE OF OBSERVING "DUE PROCESS". AS LONG AS THE CND -- UNDOUBTEDLY UNDER MOBUTU'S DIRECTION -- FEELS THAT PREVENTATIVE DETENTION OF SUSPECTED DISSIDENTS IS NECESSARY, LUYEYE AND OTHERS WILL PROBABLY BE DETAINED OR REQUIRED TO REPORT DAILY TO CND HEADQUARTERS.

7. THE EMBASSY WILL CONTINUE TO URGE FAIR TREATMENT FOR LUYEYE UNTIL HE IS RELEASED OR HIS CASE IS JUSTLY RESOLVED. IN THE MEANTIME, EMBASSY IS PLACING LUYEYE ON PAID ADMINISTRATIVE LEAVE FOR NINETY DAYS UNLESS INSTRUCTED OTHERWISE, THIS

IS TAKEN TO ENSURE THAT AMERICAN EMBASSY EMPLOYEES WHO MAY BE

ARBITRARILY DEPRIVED OF THEIR RIGHTS BY THE STATE, NOT SUFFER
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FURTHER THROUGH LOSS OF INCOME NECESSARY FOR THE MAINTENANCE
OF THEIR FAMILIES.

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Message Attributes

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TAGS: PGOV, SHUM, PINS, CG, AID, (LUYEYE-LU-MAGANA)
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